

The 19th October, 1970

No. 9059-ILab-70/30732. -In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s. Bhamas Rai Optical Works, Gurgaon:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 24 of 1970

between

SHRI MAN SINGH WORKMAN AND THE MANAGEMENT OF M/S. BHAMAS RAI
OPTICAL WORKS, GURGAON

Present

Shri C. B. Kaushik, for the workman.

Nemo for the management.

AWARD

Shri Man Singh was in the employment of M/s. Bhamas Rai Optical Works, Gurgaon. His services were terminated by the management. This gave rise to an industrial dispute between the parties. The Governor of Haryana had been pleased to refer the dispute for adjudication to the Labour Court, Faridabad, presided over by Shri P. N. Thukral under clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—vide order No. ID/GG/42-A/68/22406, dated 2nd September, 1968. The matter in issue being as given below :—

“Whether the termination of services of Shri Man Singh was justified and in order. If not, to what relief is he entitled ?

While this reference was still pending adjudication the appointment of Shri P. N. Thukral as Presiding Officer of the Labour Court was held to be invalid,—vide judgement dated 2nd September, 1969 of the High Court for the States of Punjab and Haryana in another case of M/s. G. D. Tools (I) Ltd., Faridabad. The Governor of Haryana has been further pleased to refer the above dispute to this Court by a fresh Notification No. 6091-E-Lab-70/22387, dated 31st July, 1970. The file containing the original order of reference has also been received and the case has been registered afresh.

Notice was given to the parties. Shri C. B. Kaushik who represents the workman has appeared. Service of the management has not been effected in spite of reasonable adjournment in the case. Statement of claim on behalf of the workman has also not been filed. According to Shri Kaushik, whereabouts of the workman are not known and in spite of his best efforts he has not been able to trace him. He has, therefore, expressed his inability to file any claim statement on behalf of the workman or lead any evidence in support thereof. He has further disclosed that the management concerned is not carrying on any business these days and whereabouts of the employer even are not known.

Since the industry concerned is not in existence as stated by the representative of the workman. It is arguable if the alleged dispute between the workman and the management can be called an industrial dispute within the meaning of the law. Moreover, the workman himself is not coming forward to state and pursue his claim which, in the circumstances, has to be dismissed for his default without going into the merits of the case. I give my award accordingly. There will be no order as to costs.

Dated the 21st September, 1970.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 644, dated Faridabad, the 5th October, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.